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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,314

03/30/2004

David P. Kippie

PA-00404US

3626

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7590

01/30/2008

CARTER J. WHITE LEGAL DEPARTMENT

M-I L.L.C.

5950 NORTH COURSE DRIVE

HOUSTON, TX 77072

EXAMINER

FIGUEROA, JOHN J

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

01/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,314

Applicant(s)

KIPPIE ET AL.

Examiner

John J. Figueroa

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The 35 U.S.C. 112, first paragraph, rejections previously made of record in items 3 and 4 on pages 2 and 3, respectively, of the Office Action mailed May 2, 2007 (hereinafter 'OA') have been withdrawn in view of Applicant's amendment to the claims in the response to OA filed November 2, 2007 (hereinafter 'Response')
2. The 35 U.S.C. 112, second paragraph, rejections previously made of record in item 6 on page 3 of OA, and in regards to the "comprising" and "consisting essentially of" language issues presented on pages 3 and 4 of item 7 in OA, have been withdrawn in view of Applicant's amendment to the claims in Response. However, this rejection now applies to claim 19 because this new claim presents the same issues addressed previously in item 7 of OA.
3. The 35 U.S.C. 112, second paragraph, rejection of claims 1-6 and 9-18, previously made of record on in item 7 on page 5 of OA (with regards to the monovalent cation salt being substantially free of divalent cations) has been maintained. This rejection is further extended to new claim 19.
4. The 35 U.S.C. 102(b) rejection of claims 1-6 and 9-18 as anticipated by Dobson (USPN 5,804,535) of record in item 9 on page 6 of OA has been withdrawn in view of Applicant's amendment to the claims. However, this rejection is now applicable to new

claim 19 because this claim recites the same claim scope previously presented for examination for the prior office action.

5. The 35 U.S.C. 103(a) rejection of claims 9, 10, 13 and 17 as anticipated by Dobson (USPN 5,804,535) of record in item 11 on page 8 of OA has been withdrawn in view of Applicant's amendment to the claims.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Dobson for the same reasons and grounds of rejection previously made of record in item 9 of OA.

Response to Arguments

The 35 U.S.C. 112 Rejection over Harris (item 7 of OA)

8. Applicant's arguments with respect to the 35 U.S.C. 112, second paragraph, rejection of claims 1-6 and 9-19 (regarding the monovalent cation salt being substantially free of divalent cations) have been considered but deemed unpersuasive.

As stated previously in OA, a monovalent cation salt **compound** cannot, by definition, contain a divalent cation. Does Applicant intend to actually recite the monovalent cation salt *solution*, or perhaps the *brine system*, substantially free of divalent cations?

The 35 U.S.C. 102/103 rejections over Dobson (items 9 and 11 of OA)

9. Applicant's arguments with respect to the captioned rejections have been considered but deemed moot due to the withdrawal of these rejections in view of Applicant's amendment to the claims in Response. However, new claim 19 recites a well fluid *comprising* (open-ended language) a brine system that *consists essentially of* a starch derivative and a halide salt, raising the same issues addressed previously in items 7, 9 and 11 of OA.

Thus, new claim 19 is rejected as anticipated by Dobson

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Application/Control Number:
10/813,314
Art Unit: 1796

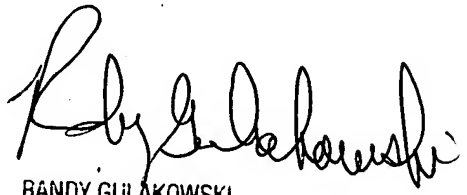
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Figueroa whose telephone number is (571) 272-8916. The examiner can normally be reached on Monday-Thursday 8:00-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJF/RAG


RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700